

DEQ Wind Energy Regulatory Advisory Panel (Wind RAP)

October 29, 2009 Meeting

Draft Meeting Notes

Note - the following notes present only topical summaries of the discussions.

Location: DEQ Central Office, 2nd Floor Conference Room
629 E. Main Street, Richmond, VA 23219

Start: 9:40 am

End: 4:17pm

RAP Lead/Facilitator: Carol Wampler, DEQ

Recorder: Debra Miller, DEQ

RAP Members Present:

Julie Langan, DHR

Bob Bisha, Dominion

Ray Fernald, DGIF

James Golden, DEQ

Nikki Rovner, Deputy SNR

Judy Dunscomb, TNC

Larry Land, Virginia Assoc. of Counties

Ronald Jenkins, DOF

Larry Jackson, Appalachian Power

Stephen Versen, VDACS

Tom Smith, DCR

Tony Watkinson, VMRC

Ken Jurman, DMME

Mary Elfner, Audubon

Jonathan Miles, JMU

John Daniel, Troutman Sanders

Dan Holmes, Piedmont Environmental Council

RAP Members Absent:

Jayme Hill, Sierra Club-VA Chapter

Theo Wolff, Independent Developer

Public Attendees:

John Davy, DCR (alternate)

Roger Chaffe, OAG

Kathryn Amirpashaie, DEQ

Jim Madden, BP Wind

Robert Hare, Dominion

Scott Francis, Dominion

Molly Parker Plautz, Dominion

Chad Smith, PBS&J

Michelle Satterlund, PECI

Roger Kirchen, DHR (alternate)

Elizabeth Murphy- VMRC (alternate)

David Phemister, TNC (alternate)

Richard Reynolds, DGIF (alternate)

Don Giecek, Invenergy

Emil Avram, Dominion (alternate)

Larry Nichols, VDACS (alternate)

Agenda Item: Introductions

Discussion Leader: Carol Wampler

Discussion: The RAP members and other attendees were welcomed. After the introductions, Carol thanked all for their work on the subcommittees. Today marks the beginning of the plenary process as the subcommittees will report out on their recommendations and findings. The order of presentation will be general, living resources, and then landscape. All were reminded that clarification questions may be asked but discussion of the merits will be reserved for later.

Agenda Item: General Subcommittee Report

Discussion Leaders: Nikki Rovner, General Subcommittee Chair

Discussion: The recommendations of the general subcommittee were presented in the form of draft regulatory language to the RAP members and were reviewed by section. The rationale for the language used was explained to the plenary group including issues that the subcommittee is raising for further

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discussion. This report included review of sections on: authority; applicability; definitions; PBR submittals; criteria for plans; decommissioning; public participation; ownership changes; decommissioning/financial assurance; and fees.

Agenda Item: Living Resources Subcommittee Report

Discussion Leader: Judy Dunscomb, Living Resources Subcommittee Chair

Discussion: The recommendations from the Living Resources Subcommittee were presented to the plenary group. This subcommittee focused on § 10.1197.6.B.7 and B.8 of the statute. The issues considered for regulation include pre-construction monitoring, determination of significant impact, mitigation, and post-construction monitoring.

Following conclusion of this report, the RAP broke for lunch.

Agenda Item: Landscape Subcommittee Report

Discussion Leader: Jonathan Miles, Landscape Subcommittee Chair

Discussion: The recommendations from the landscape subcommittee were presented to the RAP. The scope of work defined related to the potential adverse impacts of wind energy systems at the landscape scale. The key topics of consideration included: the role of local land use law, planning, and permitting and its relationship to the PBR; adverse visual impacts to historical resources and scenic landscapes; and a variety of specific adverse environmental impacts to both geophysical and living natural resources.

Agenda Item: Public Forum

Discussion Leader: Carol Wampler, DEQ

Discussion: No one had signed up to speak, so no public forum was held.

Agenda Item: Issues for RAP Discussion

Discussion Leader: Carol Wampler, DEQ

Discussion: A list of issues that the plenary group will need to discuss based on the recommendations reported today will be developed. For decisions, rationale is very important. This needs to be kept in mind when looking at issues.

It was noted that the next meeting will be on November 12, 2009, at DEQ Central Office. Additionally, the next next meeting will be on November 16, 2009 and it will begin at 9am, in lieu of the normal 9:30am start time. The meeting was adjourned at 4:17pm.